

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2008-0373-PWS-E **TCEQ ID:** RN101237972 **CASE NO.:** 34583
RESPONDENT NAME: The Reinforced Earth Company

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Reinforced Earth Co, 136 Waco Sand Road, near Waco, McLennan County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on June 30, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Andrea Linson-Mgbeoduru, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-1482; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Roger Bloomfield, President, The Reinforced Earth Company, 8614 Westwood Center Drive, Suite 1100, Vienna, Virginia 22182-2233 Mr. Vincent Boillot, Chief Financial Officer, The Reinforced Earth Company, 8614 Westwood Center Drive, Suite 1100, Vienna, Virginia 22182-2233 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: December 10, 2007</p> <p>Date of NOV/NOE Relating to this Case: February 22, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to provide an intruder-resistant fence or lockable building in order to protect the Facility's well [30 TEX. ADMIN. CODE § 290.41(c)(3)(O)].</p> <p>2) Failure to provide water system records for Commission review at the time of the investigation [30 TEX. ADMIN. CODE § 290.46(f)(2)].</p> <p>3) Failure to ensure backflow prevention assemblies which are installed to provide protection against health hazards, are tested and certified to be operating within specifications at least annually by a recognized backflow prevention assembly tester [30 TEX. ADMIN. CODE § 290.44(h)(4)].</p> <p>4) Failure to maintain a minimum pressure of 35 pounds per square inch ("psi") at all points within the distribution system [30 TEX. ADMIN. CODE § 290.44(d)].</p> <p>5) Failure to maintain all distribution system lines, water storage and pressure maintenance facilities, and all related appurtenances in a watertight condition [30 TEX. ADMIN. CODE § 290.46(m)(4)].</p> <p>6) Failure to provide a minimum pressure tank capacity of 220 gallons [30 TEX. ADMIN. CODE § 290.45(d)(2)(A)(ii)].</p>	<p>Total Assessed: \$1,507</p> <p>Total Deferred: \$301 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,206</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility as of March 12, 2008:</p> <p>a. Provided Well No. 2 with an intruder-resistant fence that includes three strands of barbed wire on the top of the fence and a lockable gate;</p> <p>b. Provided water system records: water production records and monitoring plan;</p> <p>c. Had the backflow prevention assembly between the public water system and the process water tested by a recognized backflow prevention assembly tester, and certified that the backflow prevention assembly is operating within specifications;</p> <p>d. Began maintaining a minimum pressure of 35 psi at all points within the distribution system;</p> <p>e. Repaired the leak on the well distribution line;</p> <p>f. Began providing a minimum pressure tank capacity of 220 gallons at the Facility; and</p> <p>g. Established a written protocol that is to be followed to ensure that proper public notification and boil water notices are provided to customers of the water supply in the event of distribution pressures below 20 psi, water outages, positive microbiological samples, low chlorine residuals, or other conditions which indicate that potability of the water may have been compromised.</p>

7) Failure to institute "Special Precautions" in the event of inadequate chlorine residuals [30 TEX. ADMIN. CODE §§ 290.122(a)(2) and 290.46(q)].		
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Additional ID No(s): PWS ID No. 1550135



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision January 29, 2008

TCEQ

DATES	Assigned	3-Mar-2008	Screening	3-Mar-2008	EPA Due	
	PCW	3-Mar-2008				

RESPONDENT/FACILITY INFORMATION

Respondent	The Reinforced Earth Company		
Reg. Ent. Ref. No.	RN101237972		
Facility/Site Region	9-Waco	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	34583	No. of Violations	7
Docket No.	2008-0373-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Andrea Linson-Mgbeoduru
Multi-Media		EC's Team	Enforcement Team 2
Admin. Penalty \$	Limit Minimum	\$50	Maximum
			\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 **\$1,450**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **6% Enhancement** Subtotals 2, 3, & 7 **\$87**

Notes: Enhancement due to three prior Notices of Violation containing dissimilar violations as those in the current enforcement action.

Culpability **No** **0% Enhancement** Subtotal 4 **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **10% Reduction** Subtotal 5 **\$145**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes: The Respondent returned to compliance on March 12, 2008.

Total EB Amounts	\$162
Approx. Cost of Compliance	\$2,760

0% Enhancement*
*Capped at the Total EB \$ Amount

Subtotal 6 **\$0**

SUM OF SUBTOTALS 1-7

Final Subtotal **\$1,392**

OTHER FACTORS AS JUSTICE MAY REQUIRE

8%Adjustment **\$115**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement recommended to recover avoided costs of compliance.

Final Penalty Amount **\$1,507**

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty **\$1,507**

DEFERRAL

20%Reduction Adjustment **-\$301**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY

\$1,206

Screening Date 3-Mar-2008

Docket No. 2008-0373-PWS-E

PCW

Respondent The Reinforced Earth Company

Policy Revision 2 (September 2002)

Case ID No. 34583

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101237972

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 6%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement due to three prior Notices of Violation containing dissimilar violations as those in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 6%

Screening Date 3-Mar-2008		Docket No. 2008-0373-PWS-E		PCW	
Respondent The Reinforced Earth Company		<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 34583		<i>PCW Revision January 29, 2008</i>			
Reg. Ent. Reference No. RN101237972					
Media [Statute] Public Water Supply					
Enf. Coordinator Andrea Linson-Mgbeoduru					
Violation Number	<input type="text" value="1"/>				
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.41(c)(3)(O)"/>				
Violation Description	<input type="text" value="Failed to provide an intruder-resistant fence or lockable building in order to protect the Facility's well. Specifically, at the time of the investigation, it was documented that there was not an intruder-resistant fence or lockable building surrounding Well No. 2."/>				
Base Penalty					<input type="text" value="\$1,000"/>

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
					Percent <input type="text" value="0%"/>

Matrix Notes

Failure to provide a proper intruder-resistant fence for the Facility may allow unauthorized persons to enter and damage or vandalize the system which may compromise the system's ability to provide a safe and adequate water supply that could expose customers to a significant amount of pollutants which would exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events <input type="text" value="3"/>	<input type="text" value="84"/>	Number of violation days
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<i>mark only one with an x</i>	daily	<input type="text"/>	
	monthly	<input type="text" value="x"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	

Three monthly events are recommended, from the date of the investigation, December 10, 2007, to the screening date, March 3, 2008.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$18"/>	Violation Final Penalty Total <input type="text" value="\$779"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$779"/>	

Economic Benefit Worksheet**Respondent** The Reinforced Earth Company**Case ID No.** 34583**Reg. Ent. Reference No.** RN101237972**Media** Public Water Supply**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$1,000	10-Dec-2007	12-Mar-2008	0.3	\$1	\$17	\$18
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to install an intruder-resistant fence. The date required is the investigation date. The final date is the date of compliance.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance**

\$1,000

TOTAL

\$18

Screening Date 3-Mar-2008

Docket No. 2008-0373-PWS-E

PCW

Respondent The Reinforced Earth Company

Policy Revision 2 (September 2002)

Case ID No. 34583

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101237972

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2)

Violation Description

Failed to provide water system records for Commission review at the time of the investigation. Specifically, at the time of the investigation, it was documented that the system's water production records and monitoring plan were not available for Commission review.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
		x	

Percent 5%

Matrix Notes

The Respondent failed to meet 30% of the rule requirement.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

84 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$50

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$52

This violation Final Assessed Penalty (adjusted for limits) \$52

Economic Benefit Worksheet

Respondent The Reinforced Earth Company
Case ID No. 34583
Reg. Ent. Reference No. RN101237972
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$100	10-Dec-2007	12-Mar-2008	0.3	\$0	\$2	\$2
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to organize and begin maintaining a record keeping system that includes but is not limited to water production records, and a monitoring plan. The date required is the investigation date. The final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$2

Screening Date 3-Mar-2008

Docket No. 2008-0373-PWS-E

PCW

Respondent The Reinforced Earth Company

Policy Revision 2 (September 2002)

Case ID No. 34583

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101237972

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.44(h)(4)

Violation Description

Failed to ensure backflow prevention assemblies, which are installed to provide protection against health hazards, are tested and certified to be operating within specifications at least annually by a recognized backflow prevention assembly tester. Specifically, at the time of the investigation, it was documented that the backflow prevention assembly installed between the public water system and the processed water has not been tested in the past twelve months.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to ensure that backflow prevention assemblies are operating within specifications could allow a significant amount of contaminants to enter the water system which would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

366 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	x
	single event	

Violation Base Penalty \$250

One annual event is recommended, for the twelve months prior to the investigation date, December 10, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$105

Violation Final Penalty Total \$260

This violation Final Assessed Penalty (adjusted for limits) \$260

Economic Benefit Worksheet

Respondent The Reinforced Earth Company
Case ID No. 34583
Reg. Ent. Reference No. RN101237972
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$100	10-Dec-2006	10-Dec-2007	1.0	\$5	\$100	\$105
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount to annually test the backflow prevention assembly, calculated for the 12 month period proceeding the date of the investigation.

Approx. Cost of Compliance

\$100

TOTAL

\$105

Screening Date 3-Mar-2008		Docket No. 2008-0373-PWS-E		PCW	
Respondent The Reinforced Earth Company		<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 34583		<i>PCW Revision January 29, 2008</i>			
Reg. Ent. Reference No. RN101237972					
Media [Statute] Public Water Supply					
Enf. Coordinator Andrea Linson-Mgbeoduru					
Violation Number		<input type="text" value="4"/>			
Rule Cite(s)		<input type="text" value="30 Tex. Admin. Code § 290.44(d)"/>			
Violation Description		<input 21="" a="" all="" at="" conducted="" distribution="" documented="" indicated="" investigation,="" it="" main="" of="" office="" points="" pressure="" psi")="" psi."="" specifically,="" system.="" test="" that="" the="" time="" type="text" value="Failed to maintain a minimum pressure of 35 pounds per square inch (" was="" within=""/>			
Base Penalty					<input type="text" value="\$1,000"/>

>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	Percent <input type="text" value="10%"/>
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	x	<input type="text"/>	
>> Programmatic Matrix					
Matrix Notes	Falsification	Major	Moderate	Minor	Percent <input type="text" value="0%"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	<input type="text" value="Failure to operate the water system to provide a minimum pressure of 35 psi throughout the distribution system may result in backflow problems and expose customers of the water supply to a significant amount of contaminants that do not exceed levels protective of human health."/>				
	Adjustment				
					<input type="text" value="\$100"/>

Violation Events					
Number of Violation Events		<input type="text" value="1"/>	Number of violation days		
		<input type="text" value="84"/>			
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$100"/>		
	monthly	<input type="text"/>			
	quarterly	x			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input type="text"/>			
<input type="text" value="One quarterly event is recommended, from the date of the investigation, December 10, 2007, to the screening date, March 3, 2008."/>					

Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$3"/>	Violation Final Penalty Total	<input type="text" value="\$104"/>
		This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$104"/>

Economic Benefit Worksheet

Respondent The Reinforced Earth Company
Case ID No. 34583
Reg. Ent. Reference No. RN101237972
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment	\$150	10-Dec-2007	12-Mar-2008	0.3	\$0	\$3	\$3
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to adjust pressure settings. The date required is the investigation date. The final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$150

TOTAL

\$3

Screening Date 3-Mar-2008

Docket No. 2008-0373-PWS-E

PCW

Respondent The Reinforced Earth Company

Policy Revision 2 (September 2002)

Case ID No. 34583

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101237972

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)(4)

Violation Description

Failed to maintain all distribution system lines, water storage and pressure maintenance facilities, and all related appurtenances in a watertight condition. Specifically, at the time of the investigation, it was documented that there is a leak at the point where the well distribution line enters the pressure tank house.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to maintain all related appurtenances in a watertight condition could expose customers of the water supply to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

84 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$100

One quarterly event is recommended, from the date of the investigation, December 10, 2007, to the screening date, March 3, 2008.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$104

This violation Final Assessed Penalty (adjusted for limits) \$104

Economic Benefit Worksheet**Respondent** The Reinforced Earth Company**Case ID No.** 34583**Reg. Ent. Reference No.** RN101237972**Media** Public Water Supply**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$400	10-Dec-2007	12-Mar-2008	0.3	\$0	\$7	\$7
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to repair or replace the leaking well distribution line. The date required is the investigation date. The final date is the date of compliance.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance**

\$400

TOTAL

\$7

Screening Date 3-Mar-2008

Docket No. 2008-0373-PWS-E

PCW

Respondent The Reinforced Earth Company

Policy Revision 2 (September 2002)

Case ID No. 34583

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101237972

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code § 290.45(d)(2)(A)(ii)

Violation Description

Failed to provide a minimum pressure tank capacity of 220 gallons. Specifically, at the time of the investigation, it was documented that the Facility was providing a pressure tank capacity of 172 gallons, indicating a 22% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to provide adequate pressure tank capacity may result in low water pressure and backflow problems exposing customers of the water supply to a significant amount of contaminants that would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

84 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$100

One quarterly event is recommended, from the date of the investigation, December 10, 2007, to the screening date, March 3, 2008..

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$18

Violation Final Penalty Total \$104

This violation Final Assessed Penalty (adjusted for limits) \$104

Economic Benefit Worksheet**Respondent** The Reinforced Earth Company**Case ID No.** 34583**Reg. Ent. Reference No.** RN101237972**Media** Public Water Supply**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$1,000	10-Dec-2007	12-Mar-2008	0.3	\$1	\$17	\$18
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount necessary to provide adequate pressure tank capacity. The date required is the investigation date. The final date is the date of compliance.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance**

\$1,000

TOTAL

\$18

Screening Date 3-Mar-2008**Docket No.** 2008-0373-PWS-E**PCW****Respondent** The Reinforced Earth Company

Policy Revision 2 (September 2002)

Case ID No. 34583

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101237972**Media [Statute]** Public Water Supply**Enf. Coordinator** Andrea Linson-Mgbeoduru**Violation Number** 7**Rule Cite(s)** 30 Tex. Admin. Code §§ 290.122(a)(2) and 290.46(q)**Violation Description**

Failed to institute "Special Precautions" in the event of inadequate chlorine residuals. Specifically, at the time of the investigation, it was documented that the water system failed to issue a boil water notice after an occurrence that documented a chlorine residual below 0.5 milligrams per liter on October 31, 2007.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%**Matrix Notes**

The Respondent failed to meet 100% of the rule requirement.

Adjustment \$900

\$100

Violation Events

		1	1	Number of violation days
mark only one with an x	daily			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10**Violation Final Penalty Total** \$104**This violation Final Assessed Penalty (adjusted for limits)** \$104

Economic Benefit Worksheet**Respondent** The Reinforced Earth Company**Case ID No.** 34583**Reg. Ent. Reference No.** RN101237972**Media** Public Water Supply**Violation No.** 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs**Avoided Costs****ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$10	31-Oct-2007	1-Nov-2007	0.0	\$0	\$10	\$10

Notes for AVOIDED costs

The avoided costs include the amount necessary to provide all customers of the water supply with a proper boil water notification. The date required is the date the boil water notice should have been issued. The final date is the end of the 24 hour period in which the boil water notice was not issued.

Approx. Cost of Compliance

\$10

TOTAL

\$10

Compliance History

Customer/Respondent/Owner-Operator:	CN600675979	The Reinforced Earth Company	Classification: AVERAGE	Rating: 0.30
Regulated Entity:	RN101237972	REINFORCED EARTH CO	Classification: AVERAGE	Site Rating: 0.30
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY		REGISTRATION	1550135
	WASTE WATER GENERAL PERMIT		PERMIT	TXG110348
	AIR NEW SOURCE PERMITS		PERMIT	54244
	AIR NEW SOURCE PERMITS		ACCOUNT NUMBER	MBA002B
	AIR NEW SOURCE PERMITS		AFS NUM	4830900055
Location:	136 WACO SAND RD, NEAR WACO, MCLENNAN COUNTY, TX Rating Date: September 01 07 Repeat Violator: NO			
TCEQ Region:	REGION 09 - WACO			
Date Compliance History Prepared:	March 03, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	March 03, 2003 to March 03, 2008			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Andrea Linson-Mgbeoduru Phone: 512-239-1482

Site Compliance History Components

- | | |
|--|------------|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>N/A</u> |
| 5. When did the change(s) in ownership occur? | <u>N/A</u> |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | |
|----|------------|----------|
| 1 | 04/29/2003 | (332016) |
| 2 | 04/29/2003 | (332017) |
| 3 | 04/29/2003 | (332018) |
| 4 | 02/11/2004 | (332019) |
| 5 | 02/11/2004 | (332020) |
| 6 | 02/11/2004 | (332021) |
| 7 | 05/20/2004 | (369915) |
| 8 | 05/20/2004 | (369916) |
| 9 | 05/20/2004 | (369917) |
| 10 | 11/15/2004 | (391739) |
| 11 | 11/15/2004 | (391740) |
| 12 | 11/15/2004 | (391741) |
| 13 | 03/02/2005 | (391742) |
| 14 | 03/02/2005 | (391743) |
| 15 | 03/02/2005 | (391744) |
| 16 | 06/01/2005 | (429212) |
| 17 | 06/01/2005 | (429213) |
| 18 | 06/01/2005 | (429214) |
| 19 | 06/01/2005 | (429215) |
| 20 | 03/17/2006 | (495504) |
| 21 | 03/17/2006 | (495505) |
| 22 | 03/17/2006 | (495506) |

23	05/12/2006	(507818)
24	05/12/2006	(507819)
25	05/12/2006	(507820)
26	05/12/2006	(507821)
27	05/12/2006	(507822)
28	07/14/2006	(530088)
29	07/14/2006	(530089)
30	10/26/2006	(552921)
31	10/26/2006	(552922)
32	10/26/2006	(552923)
33	01/31/2007	(591399)
34	01/31/2007	(591400)
35	01/31/2007	(591401)
36	06/13/2007	(591395)
37	06/13/2007	(591396)
38	06/13/2007	(591397)
39	06/13/2007	(591398)
40	09/27/2007	(606652)
41	09/27/2007	(606653)
42	02/26/2008	(611421)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 02/29/2004 (369916)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2006 (591399)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2007 (591397)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
THE REINFORCED EARTH
COMPANY
RN101237972**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2008-0373-PWS-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding The Reinforced Earth Company ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a public water supply at 136 Waco Sand Road near Waco, McLennan County, Texas (the "Facility") that has approximately three service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about February 27, 2008.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of One Thousand Five Hundred Seven Dollars (\$1,507) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Two Hundred Six Dollars (\$1,206) of the administrative penalty and Three Hundred One Dollars (\$301) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The

deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility as of March 12, 2008:
 - a. Provided Well No. 2 with an intruder-resistant fence that includes three strands of barbed wire on the top of the fence and a lockable gate;
 - b. Provided water system records: water production records and monitoring plan;
 - c. Had the backflow prevention assembly between the public water system and the process water tested by a recognized backflow prevention assembly tester, and certified that the backflow prevention assembly is operating within specifications;
 - d. Began maintaining a minimum pressure of 35 pounds per square inch ("psi") at all points within the distribution system;
 - e. Repaired the leak on the well distribution line;
 - f. Began providing a minimum pressure tank capacity of 220 gallons at the Facility; and
 - g. Established a written protocol that is to be followed to ensure that proper public notification and boil water notices are provided to customers of the water supply in the event of distribution pressures below 20 psi, water outages, positive microbiological samples, low chlorine residuals, or other conditions which indicate that potability of the water may have been compromised.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to provide an intruder-resistant fence or lockable building in order to protect the Facility's well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(O), as documented during an investigation conducted on December 10, 2007.
2. Failed to provide water system records for Commission review at the time of the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), as documented during an investigation conducted on December 10, 2007.
3. Failed to ensure backflow prevention assemblies, which are installed to provide protection against health hazards, are tested and certified to be operating within specifications at least annually by a recognized backflow prevention assembly tester, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(4), as documented during an investigation conducted on December 10, 2007.
4. Failed to maintain a minimum pressure of 35 pounds per square inch ("psi") at all points within the distribution system, in violation of 30 TEX. ADMIN. CODE § 290.44(d), as documented during an investigation conducted on December 10, 2007.
5. Failed to maintain all distribution system lines, water storage and pressure maintenance facilities, and all related appurtenances in a watertight condition, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4), as documented during an investigation conducted on December 10, 2007.
6. Failed to provide a minimum pressure tank capacity of 220 gallons, in violation of 30 TEX. ADMIN. CODE § 290.45(d)(2)(A)(ii), as documented during an investigation conducted on December 10, 2007.
7. Failed to institute "Special Precautions" in the event of inadequate chlorine residuals, in violation of 30 TEX. ADMIN. CODE §§ 290.122(a)(2) and 290.46(q), as documented during an investigation conducted on December 10, 2007.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: The Reinforced Earth Company, Docket No. 2008-0373-PWS-E" to:

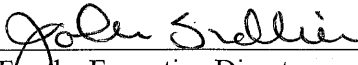
Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

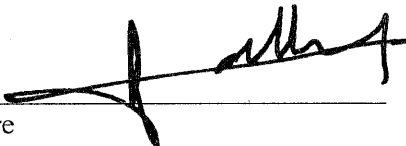
8/29/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

04/01/08
Date

GILLOT

Name (Printed or typed)
Authorized Representative of
The Reinforced Earth Company

CEA

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

